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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/786,937	01/22/1997	PHILIPPE BOUCHARD	235299/96001	5859
909	7590	09/23/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			DELACROIX MUIRHEI, CYBILLE	
P.O. BOX 10500			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102			1614	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	08/786,937	BOUCHARD ET AL.	
Examiner	Art Unit		
Cybille Delacroix-Muirheid	1614		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 June 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) See Continuation Sheet is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 39-50, 52-60, 62-72, 74-91, 93-107, 109-114, 126 is/are allowed.

6)  Claim(s) 115, 116, 118-125, 127 and 128 is/are rejected.

7)  Claim(s) 38, 51, 61, 73, 92 and 108 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All . b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_.

Continuation of Disposition of Claims: Claims pending in the application are 38-40,42,44-53,56-63,65,67-75,78-84,86-92,94-100,102-108,110-116 and 118-128.

***Detailed Action***

The following is responsive to the amendment received June 15, 2005.

Claims 1-37, 41, 43, 54, 55, 64, 66, 76-77, 85, 93, 101, 109, 117 are cancelled. No new claims are added. Claims 38-40, 42, 44-53, 56-63, 65, 67-75, 78-84, 86-92, 94-100, 102-108, 110-116, 118-128 are currently pending.

The previous objection to the specification set forth on page 2 of the office action mailed Dec. 15, 2004 is withdrawn in view of applicant's amendment and the remarks contained therein.

All previous claim objections and claim rejections set forth in paragraphs 1-4 of the office action mailed Dec. 15, 2004 are withdrawn in view of applicant's amendment and the remarks contained therein.

Applicant's amendment necessitates the following new ground of rejection.

***Claim Rejection(s)—35 USC 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 115-116, 118-125, 127-128 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 115 recites the limitation "the Cetrorelix" in line 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Objection(s)***

Claims 38, 51, 61, 73, 92, 108, 115 are objected to because of the following informalities: in claim 38, line 8, after "10", the term "and" should be cancelled. In claim 51, line 7, after "10",

the term “and” should be cancelled. At line 8, “whereby” should be cancelled and replaced with –whereby--. In claim 61, line 9, after “10”, the term “and” should be cancelled. In claim 73, line 7, after “10”, the term “and” should be cancelled. At line 8, “whereby” should be cancelled and replaced with –wherein--. In claim 92, line 8, “whereby” should be cancelled and replaced with –wherein--. In claim 108, line 7, “whereby” should be cancelled and replaced with –whereby--. In claim 115, line 7, “whereby” should be cancelled and replaced with –wherein--. Appropriate correction is required.

***Allowable Subject Matter***

Claims 38-40, 42, 44-53, 56-63, 65, 67-75, 78-84, 86-92, 94-100, 102-108, 110-116, 118-128 are free from the prior art because the prior art does not disclose or fairly suggest applicant's claimed methods.

***Conclusion***

Claim 115-116, 118-125, 127-128 are rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Cybille Delacroix-Muirheid** whose telephone number is **571-272-0572**. The examiner can normally be reached on Mon-Thurs. from 8:30 to 6:00 as well as every other Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher Low**, can be reached on **571-272-0951**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CDM   
Sep. 19, 2005

  
REBECCA COOK  
PRIMARY EXAMINER  
GROUP 1614